

REMARKS

Reconsideration and withdrawal of the rejections of this application and consideration and entry of this paper are respectfully requested in view of the herein remarks, which place the application in condition for allowance.

I. STATUS OF CLAIMS, CLAIM OBJECTIONS AND ALLOWABLE SUBJECT MATTER

Claim 29 has been cancelled. Claim 52 was acknowledged to be allowable (combination of glufosinate and pyriithobac) and other combinations were also stated to be allowable (glufosinate and imazamox, pendimethalin, fluomethuron, bromoxynil, lactofen, cycloxydim and metolachlor).

The applicants have amended the claims such that the scope of claims 13-15, 21-23, 27, 28 and 74 (method of use) and claims 47-52, 57 and 58 (compositions) incorporates the subject matter deemed to be allowable. Bispyribac has been maintained as an herbicide as it is related to pyriithobac (i.e. both compounds belong to the group of herbicides classified as "pyrimidinylbenzoic acids"). Likewise, sethoxydim and clethodim have been maintained as herbicides as it is related to cycloxydim (i.e. all of these compounds belong to the group of herbicides classified as "cyclohexene oximes").

Therefore, claims 13-15, 21-23, 27, 28, 47-52, 57, 58 and 74 are now pending and are in condition for allowance. No new matter has been added.

II. THE 35 U.S.C. §103(a) REJECTION HAS BEEN OVERCOME

Claims 13-16, 18, 19, 22, 29-31, 33, 34, 37, 40, 47-50, 59, 60, 62, 64, 67 and 74 were rejected as allegedly being obvious over Ruegg et al. (U.S. Patent 6,180,563). While the applicants disagree with the basis of this rejection, since the claims have been amended to encompass the scope of the subject matter deemed to be allowable by the Examiner, this rejection has been rendered moot. The applicants' reserve the right to file a continuing or divisional application to further prosecute the scope of the originally filed claims.

CONCLUSION

In view of the remarks and amendments herewith, the application is believed to be in condition for allowance. Favorable reconsideration of the application and prompt issuance of a Notice of Allowance are earnestly solicited. The undersigned looks forward to hearing favorably from the Examiner at an early date, and, the Examiner is invited to telephonically contact the

undersigned to advance prosecution. The Commission is authorized to charge any fee occasioned by this paper, or credit any overpayment of such fees, to Deposit Account No. 50-0320.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

By:

Howard C. Lee
Marilyn M. Brogan Howard C. Lee
Reg. No. 31,233 Reg. No. 48,104
Telephone: (212) 588-0800
Facsimile: (212) 588-0500